IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION LODGING NO.1309 OF 2006

Bharat Sanchar Nigam Ltd. ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

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Mr.S.V.Masurkar with Ms.N.V.Masurkar
Advocate for Petitioner
Mr.A.Sayed AGP for Respondent No.1
Mr.C.J.Sawant Senior Advocate with
Mr.R.Goshalkar Advocate for Respondent No.3

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CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 27,2006

P.C.(PER SMT.V.K.TAHILRAMANI,J.):

1. The Maharashtra Labour Welfare Board which has been impleaded as Respondent, has called upon the Petitioner vide its Demand Letter dated 10.5.2006 for recovery of an amount of Rs.1,68,63,990/- towards the employees' and employer's contribution payable to the Board by the Petitioner under Section 6-BB of the Bombay Labour Welfare Funds Act, 1953 and hence, this petition.

2. By the petitioner's own contention Petitioner is an Undertaking of Central Government and it has come into existence from 1.10.2000. It is registered as a company under the Companies Act, 1956 and obviously it is a company of the Government of India. It is not a Department of Government of India and therefore, it cannot claim that it is not an establishment within the meaning of Section 2(4) of the Bombay Labour Welfare Fund Act, 1953.

3. We have also noted that the Division Bench of this Court has disposed of the PIL Petition No. 69 of 2005 on 5.4.2006 and the Petitioner's Trade Union has sought directions against a number of Undertakings of Government of India to make the payment of arrears towards the contribution to the Labour Welfare Fund of the Board established under the Act. This Court held that the Respondent-Company like O.N.G.C. were required to pay the contribution if they were in arrears of the same. An assurance was given on behalf of the State Government that on failure to remit the contribution, the Collector would exercise his

power to effect the recoveries. Hence, it cannot be held that the Bombay Labour Welfare Fund Act, 1953 is not applicable to the establishment of the Petitioner. However, the Petitioner is at liberty to approach the State Government for exemption under Section 22 of the said Act. If such an application is submitted by the Petitioner within five weeks, we are sure that Respondent No.1 and Respondent No.2 would decide the same on its own merits expeditiously and preferably within a period of three months after hearing of all the parties concerned including the Trade Unions.

4. Save and except the above liberty, petition stands rejected summarily.

[F.I.REBELLO, J.]

[V.K.TAHILRAMANI,J.]